

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

16,374.42 SQUARE FEET OF LAND,
MORE OR LESS, SITUATE IN ST.
CLAIR COUNTY, STATE OF
MICHIGAN, and THE STATE OF
MICHIGAN, et al.,

Defendants.

Civil Case No. 10-14619

HON. PATRICK J. DUGGAN
Mag. Judge Mona K. Majzoub

ORDER FOR WITHDRAWAL
OF CERTAIN ESTIMATED JUST COMPENSATION

This matter having come before the Court upon the application of certain interested parties, identified on Attachment A (“Applicants”), by and through their counsel, requesting distribution of certain estimated just compensation deposited in the Registry of the Court by plaintiff in the above-styled case, plus any interest accrued thereon, no objections having been filed by any other party, and the Court having considered the application;

IT IS HEREBY ORDERED that the Clerk of the Court withdraw from the estimated just compensation funds deposited by the United States, and forthwith issue Registry checks for \$2,000.00 to each of the Applicants identified on Attachment A, and deliver same to applicants in care of their attorney, Boris K. Yakima, at Monaghan, PC, 33 Bloomfield Hills Parkway, Suite 260, Bloomfield Hills, MI 48304-2946.

IT IS FURTHER ORDERED that payment of the aforesaid estimated just compensation is conditioned upon the following:

- a. If the final award in this case ultimately exceeds the amount of the deposit of estimated just compensation, the amount paid to Applicants from said deposit, including any sums paid therefrom to others for taxes, liens and encumbrances, shall be partial payment of the final award;
- b. If it is finally determined that Applicants were not entitled to receive said deposits, or any part thereof, Applicants agree to refund into the Registry of this Court said sum paid to Applicants, or such part thereof as the Court may direct, with interest at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. § 258e-1 from the date of disbursal of the deposit to applicants to the date of repayment into the Registry of the Court;
- c. In the event that a final judgment is entered for just compensation in an amount less than that which has been paid to Applicants, including any amount expended for taxes, liens and encumbrances, Applicants agree to refund into the Registry of the Court the amount by which such payments exceed said judgment, with interest at the rate of 52-week Treasury Bills, from the date of disbursal of the deposit to Applicant to the date of repayment into the registry of the Court, calculated in accordance with the provisions of 40 U.S.C. § 258e-1; and
- d. This Order is made without prejudice to the Applicants' right to claim additional compensation for the taking of Applicants' property interests.
- e. Applicants agree that they will hold the United States and this Honorable Court harmless from any and all claims made by parties having liens or encumbrances, or

other parties who may have been entitled to such compensation or any part thereof
by reason of any recorded or unrecorded agreement.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: June 10, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 10, 2011, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

ATTACHMENT A

Thomas E. Benigni and Rosemarie Benigni
2709 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-6647

Robert D. Chase and Donna J. Chase
301 Butterfield Lane
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-6502

Charles A. Vassallo and Lola Vassallo
2651 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-7180

Gary L. Mondello and Sandra L. Mondello
2653 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-8151

Milton Anthony Garvonic, Trustee
of the J. Paul McDonald Trust
2703 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-9151

Carolyn Todd, Trustee of the
Carolyn Todd Trust Dated
September 14, 2005
5301 Alyssa Court
Shelby Township, Michigan 48315

Tax I.D. No. xxx-xx-3037

Charles Strittmatter and Yong Strittmatter
2677 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-4372

Elenor Wnuk (Alexander A. Wnuk, dec.)
209 Butterfield Lane
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-5465

Christopher Gardner and Michelle Gardner
2639 Pointe Tremble Road
Algonac, Michigan 48001

Tax I.D. No. xxx-xx-3965